

VZCZCXYZ0000  
OO RUEHWEB

DE RUEHSF #1284/01 3051505  
ZNY SSSSS ZZH  
O 011505Z NOV 07  
FM AMEMBASSY SOFIA  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 4481  
INFO RUEAIIA/CIA WASHINGTON DC PRIORITY  
RHMCSUU/FBI WASHINGTON DC PRIORITY 0197  
RUEAHLA/HOMELAND SECURITY CENTER WASHINGTON DC PRIORITY

S E C R E T SOFIA 001284

SIPDIS

NOFORN  
SIPDIS

S/CT KEN MCKUNE; CIA FOR NCTC

E.O. 12958: DECL: 10/31/2032  
TAGS: [PTER](#) [KVPR](#) [PREL](#) [PGOV](#) [PINR](#) [CVIS](#) [ASEC](#) [KHLS](#) [BU](#)  
SUBJECT: BULGARIA: INFORMATION ON HOST GOVERNMENT  
PRACTICES - INFORMATION COLLECTION, SCREENING, AND SHARING

REF: A. A) SECSTATE 133921  
[B. B\) 06 SOFIA 01656](#)  
[C. C\) 06 SOFIA 01703](#)

Classified By: DCM Alex Karagiannis for reasons 1.4 (b) and (d).

[1. \(U\)](#) This cable provides information on Bulgarian Government practices on information collection, screening, and sharing. Responses correspond to questions listed in REF [A](#).

WATCHLISTING

[2. \(SBU\)](#) According to our contacts at the Financial Intelligence Agency and other Bulgarian government entities, Bulgaria does not maintain its own "national" list of terrorists (SEE REF B).

[3. \(C//NF\)](#) Travelers entering Bulgaria are subjected to a watchlist check. The database is maintained by the Bulgarian National Security Service (NSS), the country's intelligence service, which is part of the Ministry of the Interior (MOI). (NOTE: There is draft legislation proposed moving the NSS to a new National Agency for Security (NAS); NSS functions and responsibilities on counterterrorism issues would not change, but could be expanded.) Additionally, law enforcement information is entered by the Bulgaria's General Police Directorate for Combating Organized Crime. Our contacts declined to disclose the specific number of records maintained in the database, and we are not certain they themselves have an accurate fix number when it comes to quantifiable organized crime figures. Bulgarian officials at all ports of entry have access to two computerized immigration databases, the Automated Information System (AIS) for "Wanted Persons" and the AIS for "Border Control" (SEE REF C).

[3. \(SBU\)](#) The MOI maintains a computerized watchlist database that includes information about wanted persons, stolen vehicles, invalid identification documents and blank IDs, weapons, currency and other items that have unique identification. This database is connected to the AIS for "Border Control," and all POEs have access to it. Persons in the database are identified by name as well as other data. The domestic sources of information for the MOI's watchlist and other databases are the National Police (including all Police Directorates), the National Security Service, the investigation agencies, the Prosecutor's Office and the Courts. Every police directorate or service has access to the databases and the authority to input the information into the database. All POEs have access to and use INTERPOL's watchlist. Once Bulgaria accedes to the Schengen Agreement,

expected in spring 2008, Bulgaria's immigration database AIS "Border Control" will be linked to the Schengen database and to the EU visa database. Bulgaria has a bilateral watchlist agreement with Romania for sharing border control information and a contact bureau located at the Gyurgevo POE (on the Romanian border). The bureau includes a shared information database, which can be accessed by all relevant Bulgarian agencies. Bulgaria also shares information with all neighboring countries through a variety of Joint Border Committees.

#### TRAVELER INFORMATION COLLECTION

¶4. (SBU) Bulgarian Border Police follow procedures outlined by EU directives with respect to screening and control of foreign travelers. Officials do not collect or maintain travel information outside these guidelines unless it is warranted by lookout guidance or directed by supervisors. There are no different policies for air, sea, and land entry and for domestic flights. There is no collection on domestic travel. The Bulgarian Border Police collects traveler information.

¶5. (S/NF) Formally, Bulgarian authorities require prior coordination at the Secretary General of the Ministry of Interior level as a starting point for case and information exchange. Once this is established, further coordination/information exchange occurs at operational levels. Informally, established contacts exchange information regularly, which expedites operational activities.

¶6. (S/NF) Bulgaria's National Security Service has liaison agents embedded in all police agencies, thus it is highly likely that the information is used for intelligence and law enforcement purposes. We have been unable to confirm if

Bulgaria has any existing treaties to share Passenger Name Record (PNR) data. Advance Passenger Information Systems (APIS), Interactive Advanced Passenger Information System (IAPIS), and electronic travel authority systems have been effective at detecting other national security threats, but such systems may be assets to corrupt police officials. Their application to aid and assist fugitives should be noted.

#### BORDER CONTROL AND SCREENING

¶7. (SBU) The Government of Bulgaria employs software to screen travelers of security interest.

¶8. (C/NF) Bulgaria employs machine readable passport technology at air and land crossing points. Due to its recent accession to the European Union on January 1, 2007, EU citizens are permitted entry based on their national ID cards or passports. Directives have been given to the Border Police not to screen (pre-boarding passenger security check) EU citizens unless a specific notice is published. Non-Bulgarian citizens are screened by the verbal orders of the Chief Director of the Border Police.

¶9. (SBU) Bulgaria's border police have access to INTERPOL/EUROPOL systems for Red and Yellow notices, and have policies regarding detaining undocumented refugees.

#### BIOMETRIC COLLECTION

¶10. (SBU) Biometric systems are in place at all POEs where an AFIS (Automated Fingerprint Information System) station is installed. The AFIS Stations are independent systems that do not share information with the AIS "Border Control." The GOB is working on a new border control information system that will be available at all POEs and will be able to identify people by fingerprints. Fingerprint readers and combined optical and RFID (Radio Frequency Identification) readers will be installed in all POEs. The GOB currently uses a fingerprint identification system that is ICAO compliant. Bulgaria presently issues passports with advanced security features and a digitized photo, but with no other biometric information.

## PASSPORTS

¶11. (SBU) The GOB expects to start issuing biometric passports in the third quarter of 2008. Replacement passports are issued only for full validity. There are no special regulations/procedures for dealing with "habitual" losers of passports. Replacement passports are of the same appearance and page length as regular passports. Post has not seen any increase in the number of replacement or "clean" passports used to apply for U.S. Visas, but has seen that pattern in the past. Since Bulgaria joined the EU on January 1, 2007, the EU Border Police no longer stamp the passports of the passengers who are coming to or going from other EU member states. The Border Police stamps the passports of US passengers coming from the U.S. and the passports of passengers from any other non-EU country. Replacement passports cannot be identified, they look exactly the same as regular passports, and they have the same number series.

## FRAUD DETECTION

¶12. (C/NF) Fraud detection efforts by the Bulgarian authorities are not sufficiently aggressive. Although Bulgarian passports and national identity cards have modern security features and are extremely difficult to counterfeit, avenues exist to present fraudulent documents to corrupt public officials and receive valid Bulgarian residency and travel documents.

## PRIVACY AND DATA SECURITY

¶13. (SBU) The Criminal Procedure Code regulates the procedure for questioning, detention, etc., and maintaining of records anywhere in the country. The records are stored in the case file for the duration of the proceedings, and upon case completion the information is archived. Usually, the archiving period is 20 years (Law on the National Archives). If the records contain classified information, that period could vary from two to 30 years, depending on the security level (Law on the Protection of Classified Information). According to the Law on Personal Data Protection, Art. 4, personal data can be processed when required by a statute; the individual has given permission; it is required by a contract; the individual's life/health

should be defended; or it is in the public interest. The law explicitly prohibits the processing of personal data which would reveal the person's race or ethnicity; political, religious or philosophical values or membership in political parties or other organizations or associations; health conditions, sexual life or the human genome.

¶14. (SBU) Databases may be created for different reasons on the basis of laws, and depending on each specific law, there would be a prescribed action allowing or restricting a public notice of the new database. Each personal data administrator is obliged to introduce at least the standards provided in Regulation No. 1 of February 7, 2007 on the minimum level of technical and organizational measures for an allowed type of data protection. The Regulation establishes three protection levels, depending on the risk assessment: basic, middle, and high. Articles 9-31 provide detailed description of the required protection standards.

¶15. (SBU) According to Art. 161 (4) et seq. of the Law on the Ministry of Interior, and Art. 37s(3) et seq. of the Law on Defense and the Armed Forces of the Republic of Bulgaria, every person is entitled to ask for access and obtain a copy of the personal data collected by security agencies without that person's knowledge. Access could be denied if revealing the information would pose a risk to the national security or public order; compromise classified information; compromise sources of information or the techniques for data collection; or harm the legally defined powers of the Ministry of the Interior. The denial can be appealed in the administrative court. Different rules apply only to the extent information is treated with different security protection. Raw data is

considered sensitive information, which is protected under the Law on Personal Data Protection. On the other hand, case files may contain classified information, which is protected under the Law on Classified Information Protection. The Law on the Ministry of the Interior (Art. 160) and the Regulation of June 26, 2007 on police registration regulate the handling of enforcement records. According to Art. 70(1) of the Law on Bulgarian Identity Documents, data collected in the Bulgarian identity documents database, except for fingerprints, can be provided to Bulgarian citizens and non-citizens as long as the data do not concern third persons. Art. 71 of the same law allows the denials of access to such data to be appealed in the administrative court.

#### IDENTIFYING APPROPRIATE PARTNERS

¶16. (S/NF) When assessing the Government of Bulgaria and its constituent agencies as a partner, the political realities in Bulgaria are such that a cost/benefit method approach is more applicable. Corruption, especially in the sense of partisan connections, remains a problem, and at times reflects political, cultural, and sometimes personal sensitivities when involving Bulgarian citizens, stemming from in part constitutional issues, in part, on historic memory of communist era abuses, and in part on a culture of favoritism that protects the rich and powerful. In cases where a Bulgarian citizen is involved or has an interest to protect, the likelihood that information, means and methods would be compromised is extremely high. In contrast, without a nexus to Bulgarian interests, then exceptional cooperation and exchange will occur. Although written legislation provides safeguards for the protection and nondisclosure of information it is applied rarely. Moreover, it is commonplace for the Bulgarian media to receive sensitive documents concerning national security or law enforcement matters and subsequently publish them.

¶17. (C//NF) There is no single consolidated database; all government agencies have separate databases. Bulgarian agencies do share information; their motives may be driven by political favors/corruption as well as law enforcement. Bulgarian agencies would rather share information with foreign entities than amongst themselves.

¶18. (SBU) Bulgaria has ratified all major international instruments on terrorism, extradition, and judicial cooperation in criminal matters. Bulgaria recently joined EUROPOL. On July 23, 2007, the EU Council General Affairs and External Relations adopted the decision concerning the accession of Bulgaria and Romania to the EUROPOL convention. The decision entered into force on August 1, 2007 after having been published in the Official Journal of the European Union. Bulgaria participated in an official welcoming ceremony in The Hague on October 3, 2007.

¶19. (SBU) Bulgarian law defines terrorism and terrorist acts in line with EU legal and sentencing guidelines: Art. 180a(1) of the Penal Code: "Who, for the purpose of causing commotion and fear to the population, or threat or compel a body of the authority, a representative of the public or a representative of a foreign country or of an international organization, to do or omit something in the sphere of his functions, commits a crime according to Art. 115, 128; Art. 142 para 1; Art. 216 para 1; Art. 326; Art. 330, para 1; Art. 334; Art. 334, para 1; Art. 337, para 1; Art. 339, para 1; Art. 340, para 1 and 2; Art. 341a, para 1 - 3; Art. 341b, para 1, Art. 344; Art. 347, para 1; Art. 348; Art. 349, para 1 and 3; Art. 350, para 1; Art. 352, para 1; Art. 354, para 1, Art. 356f, para 1; Art. 356h; shall be punished for terrorism by imprisonment from five to 15 years and when death has been caused by imprisonment from fifteen to thirty years, life imprisonment or life imprisonment without an option."